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March 8, 2004

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PUBLIC SERVICE
COMMISSION

Via Hand Delivery

Mr. Thomas Dorman
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601

RE: Case No. 2003-00143

Dear Tom:

In conformity with the Commission's Order of February 4, 2004, the original and six copies of the Comments of Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc. and the Independent Telephone Group in response to applicant's information are enclosed for filing in the above-captioned case.

Very truly yours,

STOLL, KEENON & PARK, LLP

By Lindsey
Lindsey Ingram, Jr.

/s/

Enc.

cc: Counsel of Record

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**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

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PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

**PETITION OF NPCR, INC.,)
D/B/A NEXTEL PARTNERS FOR)
DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER IN)
THE COMMONWEALTH OF KENTUCKY)**

CASE NO. 2003-00143

COMMENTS

Come Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc., and the Independent Telephone Group¹ ("ITG"), by counsel, and in conformity with the Commission's Order of February 4, 2004, submits the following comments in response to applicant's information.

A review of the record and information provided by Nextel Partners in this proceeding reveals that there are substantial questions of fact and policy regarding the ability of Nextel Partners to demonstrate eligibility to be designated an eligible telecommunications carrier ("ETC") for the service areas of the affected Independent Telephone Group members. Based on what has been filed by Nextel Partners, it is apparent that, at the very least, the Commission should undertake a rigorous review of the service offerings, capabilities, and service quality that Nextel Partners purports to have. Furthermore, any action must be consistent with a prerequisite

¹ An association of rural telephone companies consisting of Ballard Rural Telephone Cooperative Corporation, Inc.; Brandenburg Telephone Company; Coalfields Telephone Company; Duo County Telephone Cooperative Corporation, Inc.; Foothills Rural Telephone Cooperative Corporation, Inc.; Highland Telephone Cooperative, Inc.; Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; North Central Cooperative Corporation; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc.; Thacker-Grigsby Telephone Company, Incorporated and West Kentucky Rural Telephone Cooperative Corporation, Inc.

public interest finding based on the facts before the Commission. The public interest determinations are further affected by the overarching public policy issues being addressed at the federal level regarding Universal Service Fund ("USF") disbursements to second ETCs, and the potential ramifications of such actions on Kentucky-specific commitments to Universal Service.


Nextel Partners has provided only sketchy information about the details of its operations and commitments to provide service worthy of an ETC. ITG is confident that the facts contained in this information show that Nextel Partners does not provide service in many of the areas served by the Rural Telephone Companies in which Nextel Partners seeks ETC designation because of a lack of investment in facilities in some ITG areas. From this information, it is also apparent that Nextel Partners' facilities do not provide service coverage across vast and significant portions of the service areas in which it seeks ETC designation. Instead, the information shows that Nextel Partners primarily concentrates its service along major highways.

The actual rural consumers in areas beyond the major highways must be assured that all carriers claiming to provide universal service, and seeking to become a second ETC, be held accountable to the same standards of operation as any other universal service provider. The examination of a proper foundation regarding second ETCs within a Rural Telephone Company service area requires no more and no less demonstration by the applicant than compliance with the very same principles, obligations, and service offerings that the Independent Telephone Company group members have made and continue to make. Nextel Partners has not set forth such demonstration.

The Independent Telephone Group, in its earlier comments submitted in this proceeding, set forth a non-exhaustive list of factual and policy issues which would require rigorous review in the context of ETC designations, generally, and more specifically with respect to

Nextel Partners' request. The record in this proceeding has not changed significantly so as to alter its position with respect to review of these issues and the lack of such demonstration.

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BY: 
Lindsey Ingram, Jr.

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing pleading has been served by mailing same, postage prepaid, on this 8th day of March, 2004, to the following:

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